

Chemical Services Division
Safety-Kleen.

July 11, 2002

CERTIFIED MAIL No. 7000-1530-0004-8342-3602
RETURN RECEIPT REQUESTED

Ms. Debbie Travis
Kansas Department of Health and Environment
Bureau of District Operation
Waste Management Programs
130 S. Market, Suite 6050
Wichita, Kansas 67202-3802

RE: Notice of Non-Compliance
Safety-Kleen (Wichita) Inc.
KSD007246846

Dear Ms. Travis,

In response to your Notice of Non-Compliance for the above referenced facility dated June 13, 2002, please consider the following corrective actions that we believe will alleviate the Department's concerns over these matters.

Citation: KAR 28-31-4(j)(1)(A). Two (2) open satellite drums in the Lab and the Processing Area.

Response: During the inspection, two open drums were noted. On the first drum, which was located in the Laboratory, the small bung opening was open to allow the drum to breathe during filling operations. The second drum was the PPE drum located on the drum dock that had a small amount of PPE overhanging the lip of the drum. As noted on your Notice, both of these items were corrected during the inspection. In addition, we have conducted additional training with all of the affected employees on the operation of satellite accumulation areas.

Citation: KAR 28-31-4(j)(1)(B). 40-gallon satellite drum not marked with the words "Hazardous Waste", Building B.

Response: During the inspection, the satellite accumulation drum located in Building B was missing the Hazardous Waste label. As noted on your Notice, this item was corrected during the inspection and the issue was covered in the employee training identified above.

Citation: KAR 28-31-4(g)(A) / Permit Condition III.C. 55-gallon storage drum is not in good condition in Building C.



R00406630
RCRA RECORDS CENTER

Response: During the inspection, as drum was noted with a bulging lid. Safety-Kleen had received the drum on May 26, 2002 and noted that it was under pressure. Following our normal receiving procedures we vented the pressure from the drum prior to placing the drum in storage. However, we failed to overpack the drum, thus ensuring its integrity. As noted in your Notice, this item was corrected during the inspection. In addition, we conducted follow-up training with our warehouse workers and facility inspectors in this issue.

Citation: KAR 28-31-4(g)(2) / Permit Condition III.B.1. No start accumulation date on 2 labpack storage containers in Building J.

Response: The facility utilizes adhesive "piggyback" labels for each drum received. These labels provide the unique tracking number and the accumulation start date. During the inspection, two containers were missing the portion of the "piggyback" label that contains the words "Start Accumulation Date xx/xx/xx". It should be noted that the accumulation start date is listed on each container, as it is contained in the unique drum number. For instance, drum number 020615-ABCDE-001 would indicate that this was the first drum received on a manifest from company ABCDE on June 15, 2002. Thus, the accumulation start date can be determined by looking at the first 6 digits of the unique drum number located on each drum. We have covered this item with our facility inspectors in the training listed above. Even though the accumulation start date was discernable, we relabeled the drum following the standard operating procedure. As noted in your Notice, this item was corrected during your inspection.

Citation: KAR 28-31-4(j)(2). Improper start accumulation date on 2 55-gallon satellite drums in the Processing area.

Response: During the inspection, two accumulation drums were noted with "Accumulation Start Date" labels of 6/1/02. As noted in your Notice, this item was corrected during your inspection. In addition, we covered this issue in the training listed above.

Citation: Permit Condition II.A. Failure to maintain the roofs in Buildings B, J, I and D.

Response: During the inspection, considerable rain fell in the Wichita area. The inspectors noted small puddles of water in Buildings B, J and I and a large accumulation of water was noted in Building D. Safety-Kleen's policy is to remove and rainwater collected in storage areas on a daily basis. In order to minimize future impacts of rainfall events, Safety-Kleen has notified a roofing contractor to attempt to repair the small leaks in the roofs of Buildings B, J and I. The extent of the roof repair needed for Building D is extensive and Safety-Kleen is currently evaluating the path forward for this area. Safety-Kleen has removed all waste managed in the area of the leak and will continue to remove collected rainwater from the area within 24 hours of each rainfall event.

Citation: KAR 28-31-4(k) / Permit Condition III.G. 138 violations on the daily and weekly inspection logs (40 missing work orders, 71 no corrective action noted, 22 with no time, 5 didn't use full name).

Response: During an extensive review of approximately 14 months of the facility's daily and weekly inspection records, the above violations were noted. The facility's inspection process utilizes a paperwork intensive combination of inspection forms and work orders. When an inspector notes a deficiency during an inspection, he is to complete a two-part work order, file one part with the Facility Manager and assign the other part to the employee who will correct the finding. Once the finding is corrected, the employee is to return his part of the work order to the Facility Manager. The agency's inspection noted 40 instances in which issues were identified on the daily inspections and work orders were issued, but copies of the work order were not filed with the Facility Manager. Additionally, the agency noted 71 instances in which issues were noted (e.g., "warehouse floor needs to be swept", "loose bung in drum", etc.) but no corrective action was identified. Safety-Kleen believes that in these instances, the corrective action can be inferred but we agree with the finding that corrective action was not explicitly stated on the inspection form. Finally, the inspectors noted 27 instances in which either the time of the inspection was not noted or the full name of the inspector was not noted on the inspection forms.

Safety-Kleen has conducted retraining with all of our facility inspectors, covering the agency's findings and reviewing the work order process. Additionally, the Facility Manager will review each day's inspection for completeness and consistency.

Citation: KAR 28-31-4(k) / Permit Condition III.G. Failure to provide 61 daily inspection logs for May and June 2001.

Response: During the inspection, Safety-Kleen could not produce 2 months of inspections from May and June of 2001. The office in which these inspections were kept was recently cleaned and reorganized and the inspection records from those two months were misplaced. As a correction and as noted above, all daily and weekly inspection records are now submitted to the Facility Manager for review. Once that review is complete the inspection records will be placed in a central filing area.

Citation: KAR 28-31-4(g) / 40 CFR 262, Subpart E / Permit Condition I.G. Failure to file a notice with the Secretary of KDHE for exporting hazardous waste to a foreign source 5 different times (3/14/01, 8/2/01, 11/8/01, 1/19/02 and 2/12/02).

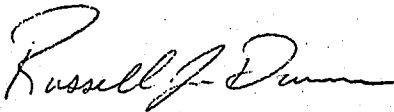
Response: Safety-Kleen has forwarded copies of the exportation reports, for the dates referenced in the NOV, to KDHE. In order to reduce the likelihood of future occurrences of this nature, the obligation to file export notices with KDHE, as required in K.A.R 2831-4(q), has been reviewed with the personnel responsible for making such notifications. Safety-Kleen has reviewed these incidences and maintains that the facility is in compliance with 40 CFR 262, Subpart E, since the facility did file the requisite notifications with EPA. Similarly, SK believes that it was not in violation of permit condition I.G. This condition requires that all reports, notices..."required by this permit".....be reported to KDHE. The permit does not require the facility to file export notifications.

Ms. Debbie Travis
July 10, 2002
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Safety-Kleen regrets that these oversights occurred and would like to restate our commitment to resolving any and all environmental compliance matters identified by the Department, and it is our full intention to operate in total compliance with all Rules and Regulations of the State of Kansas and the USEPA. We trust that this submittal will fulfill the facility's outstanding obligations and conclude this matter.

Should you have questions or need any additional information regarding this matter, please feel free to contact our Regional Compliance Manager, Tom Emond, at (952) 898-0470, or myself at (316) 269-7400.

Sincerely,



Russell J. Dunn
Facility Manager

cc: Tom Emond, SK Wichita
Todd Blake, SK Reidsville
Bill Hallam, SK Nashville
Craig Lackey, SK Columbia
EHS file